

1 DENNIS A. BARLOW, CITY ATTORNEY  
State Bar No. 63849  
2 CAROL A. HUMISTON, SR. ASST. CITY ATTY  
State Bar No. 115592  
3 275 East Olive Avenue  
P. O. Box 6459  
4 Burbank, CA 91510  
Tel: 818-238-5707 Fax: 818-238-5724

CITY ATTORNEY

2010 DEC 20 PM 4:15

5 Kristin A. Pelletier, (SBN 155378)  
6 E-mail: [kpelletier@bwslaw.com](mailto:kpelletier@bwslaw.com)  
Robert J. Tyson (SBN 187311)  
7 E-mail: [rtyson@bwslaw.com](mailto:rtyson@bwslaw.com)  
BURKE, WILLIAMS & SORESENSEN, LLP  
8 444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953  
9 Tel: 213.236.0600 Fax: 213.236.2700

10 Attorneys for Defendant  
City of Burbank

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

15 CHRISTOPHER LEE DUNN,

16 Plaintiff,

17 v.

18 BURBANK POLICE DEPARTMENT,  
CITY OF BURBANK, and DOES 1  
19 Through 100, Inclusive,

20 Defendants.

Case No. BC 417928

**NOTICE OF ERRATA RE THE CITY OF  
BURBANK'S SEPARATE STATEMENT IN  
SUPPORT OF DEFENDANT CITY OF  
BURBANK'S MOTION FOR SUMMARY  
JUDGMENT, OR IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION AND TO ITS  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

**Date: March 3, 2011**

**Time: 8:30 a.m.**

**Dept.: 31**

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24  
25 The City hereby submits notice of the following errata in The City Of Burbank's Separate  
26 Statement In Support Of Defendant City Of Burbank's Motion For Summary Judgment, Or In  
27 The Alternative, Summary Adjudication, originally filed May 12, 2010. Each of the following  
28 changes, and only these changes, have been made to the document which was filed on December

LA #4830-9182-7208 v1

- 1 -

BURBANK'S SEPARATE STATEMENT RE MOTION FOR SUMMARY JUDGMENT OR ADJUDICATION

12/17

1 17, 2010 as The City Of Burbank's Corrected Separate Statement In Support Of Defendant City  
2 Of Burbank's Motion For Summary Judgment, Or In The Alternative, Summary Adjudication  
3

- 4 1. In the text of ¶ 7, change "CCB" to "CCPD."
- 5 2. In the evidence citation of ¶¶ 33, 140, and 225, change "Ex. w" to "Ex. W,"
- 6 3. In the evidence citation of ¶¶ 55, 162, 247 and 315, delete the words "or Puglisi."
- 7 4. In the text of ¶¶ 65, 172, 257, and 321, change "Lewandoski" to "Lewandowski."
- 8 5. In the text of ¶¶ 74, 181, 266, 293, 306, 310, and 330, change "July 17, 2008" to  
9 "August 27, 2008." In the evidence citation of those paragraphs, add "pp. 21-22 (acknowledging  
10 service)" after "Ex. U."
- 11 6. In the text of ¶ 84, change "the instantaction" to "this action."
- 12 7. In the text of ¶¶ 104 and 289, change "issues" to "claims" and delete the language  
13 after "...investigation or termination."
- 14 8. In the middle of the text of ¶ 110 delete the reference to "[Pelletier Ex. A,]."
- 15 9. In the text of ¶¶ 133 (Ins. 19-20) and 218 (Ins. 18-19), delete phrase "...GD told  
16 Mercado that call with GD..."
- 17 10. In the text of ¶¶ 263 and 327, change "The letter stated..." to "The Brady letter  
18 stated..."
- 19 11. In the text of ¶ 296, delete the phrase "to suggest."
- 20 12. In the text of ¶ 297, delete the text and replace with "Dunn has no evidence that  
21 Sgt. Misquez reached the conclusions set forth in his internal affairs report based on Dunn's race"  
22 No change to the citation to evidence.
- 23 13. In the text of ¶ 298, change "Neither the person.." to "Both the person..." and also  
24 change "... (Chief Stehr) had any..." to "... (Chief Stehr) did not have any..."
- 25 14. In the text of ¶¶ 305 and 317, delete the opening word "Thus,".
- 26 15. In the text of ¶ 311, change "He thereafter..." to "Following his termination,  
27 Dunn..."
- 28 16. In the text of ¶ 315, add "On March 30, 2007," to the beginning of the paragraph.

1 17. In the text of ¶ 322, add "against Dunn" after "...felt that the case" and delete "an"  
2 before "egregious".

3 18. In the text of ¶ 323, change "...thereafter..." to "...after the District Attorney  
4 advised BPD that he had declined to prosecute..."

5 19. In the text of ¶ 324, add "During BPD's internal affairs investigation,..." to the  
6 beginning of the paragraph.

7 20. In the text of ¶ 325, change "The internal affairs investigation was completed on  
8 March 6, 2008, with Sgt Gerardo Misquez concluding that..." to "BPD's internal affairs  
9 investigation of Dunn was completed on March 6, 2008 by Sgt. Gerardo Misquez. Sgt. Misquez  
10 concluded that..."

11 21. In the text of ¶ 329, replace "This would make Dunn ineffective as an  
12 investigating officer and prosecution witness.." with "According to Deputy District Attorney  
13 Baker, this would make Dunn's testimony of no value in a criminal proceeding..."  
14

15 The City hereby further submits notice of the following errata in The City of Burbank's  
16 Notice of Motion and Motion for Summary Judgment, Or In The Alternative, Summary  
17 Judgment, Memorandum of Points and Authorities. Due to the extremely limited nature of these  
18 errata, no corrected document will be filed. All of these errata are to the memorandum of points  
19 and authorities:


20 1. At page 7, line 4, and also at page 19, lines. 14-15, change "July 17" to "August  
21 27."

22 2. At page 18, line 23, change "[UF \_]" to "[UF 94, 102, 104]."

23 3. At page 19, line 14, change "*ten months*" to "*nine months*."

24 Dated: December 17, 2010

Burke, Williams & Sorensen, LLP  
Kristin A. Pelletier

25  
26 By:   
27 Kristin A. Pelletier  
Attorneys for Defendant  
City of Burbank  
28

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On December 17, 2010, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**NOTICE OF ERRATA RE THE CITY OF BURBANK'S  
SEPARATE STATEMENT IN SUPPORT OF DEFENDANT CITY  
OF BURBANK'S MOTION FOR SUMMARY JUDGMENT, OR IN  
THE ALTERNATIVE, SUMMARY ADJUDICATION AND TO ITS  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
THEREOF**

in a sealed envelope, postage fully paid, addressed as follows:

Carol A. Humiston, Esq.  
Senior Assistant Attorney  
Office of the City Attorney  
275 East Olive Avenue  
Burbank, CA 91510-6459  
Fax: (818) 238-5724

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 17, 2010, at Los Angeles, California.

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**NOTICE OF ERRATA RE THE CITY OF BURBANK'S SEPARATE  
STATEMENT IN SUPPORT OF DEFENDANT CITY OF  
BURBANK'S MOTION FOR SUMMARY JUDGMENT, OR IN THE  
ALTERNATIVE, SUMMARY ADJUDICATION AND TO ITS  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
THEREOF**

Solomon E. Gresen, Esq.  
Law Offices of Rheuban & Gresen  
15910 Ventura Boulevard, Suite 1610  
Encino, CA 91436

Executed on December 17, 2010, at Los Angeles, California.

## PROOF OF SERVICE